

Approval of the State of Texas Partial NPDES Program Authorization for Oil and Gas Activities

Comments and Responses January 15, 2021

NOTE: Documents EPA-R06-OW-2020-0608-DRAFT-0001 through 0010 are documents uploaded to the docket by EPA for the for the record. Comments to the docket from the public are “Document: EPA-R06-OW-2020-0608-DRAFT-0011 through 0166” where the last four digits identify a particular comment submittal. Where a comment included an attachment, that attachment has been imbedded under “Attachment” and appears as the first page of the attachment. The Public Hearing Transcript and complete versions of attachments are included as attachments to the PDF file. Public Hearing Comment-PH01 through PH08 identifies issues raised during testimony given at the January 5, 2021, Public Hearing, with the last two digits identifying issues raised by the two parties that provided testimony. EPA’s response to issues raised by a commenter are included under “RESPONSE” and may refer to the response given to another comment identified by the Document number
(e.g. “see response to comment EPA-R06-OW-2020-0608-DRAFT-0011 or comment PH01, etc.)

Testimony and Summary of Issues Raised at the Public Hearing

Transcript of Testimony

EPA

**Moderator: Brent Larsen
January 5, 2021
10:05 p.m. ET**

OPERATOR: This is Conference #: 9473297

Operator: We now have our first testimony from the line of Cyrus Reed. Your line is open.

Cyrus Reed: Thank you so much. Good evening. This is Cyrus Reed. I'm here calling today. I'm representing the Lone Star Chapter. That's the state chapter of the Sierra Club, which has approximately 30,000 members in Texas. I'm just going to make some very brief comments. Tonight we will be submitting more detailed written testimony by the deadline, which I believe is the 11.

The first comment I'm going to make is a little more about process and our disappointment in the timing of this process. And if you read the notice provided by the EPA it said that you determined the state's October 12, 2020 program submission including the November 5 verification was a complete package and pursuant to federal regulation you could potentially approve or disapprove the program on or by January 11 in 2021.

So my first comment is really disappointing about the timing over the holidays making it difficult for a lot of members of the public to both see the federal register right around the Thanksgiving holiday and then have the time to digest the many hundreds of pages of the application and then make comments by the 11. And in particular we're concerned with the notion that EPA could approve this application the same day that comments are due.

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Summary of Issue: Public Hearing Comment-PH01: Existing national Effluent Limitation Guidelines at 40 CFR 435 and 437 are not sufficient to ensure permits for produced water issued by Texas would be protective of water quality. Direct discharge of produced water should not be allowed until effluent limitation guidelines are updated.

Response

Comment is outside the scope of the program authorization action, which is limited to determining whether the State of Texas' application for NPDES program authorization meets the minimum requirements for approval at CWA 402(b-d) and implementing regulations at 40 CFR 123 . The adequacy of existing effluent limitation guidelines is not under consideration in this action.

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Summary of Issue: Public Hearing Comment-PH02: Existing water quality standards adopted by Texas and approved by EPA are not sufficient to ensure permits for produced water issued by Texas would be protective of water quality. Not enough is known about what is in produced water to allow discharges.

Response

Comment is outside the scope of the program authorization action, which is limited to determining whether the State of Texas' application for NPDES program authorization meets the minimum requirements for approval at CWA 402(b-d) and implementing regulations at 40 CFR 123. The adequacy of existing water quality standards is not under review in this action.

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Summary of Issue: Public Hearing Comment-PH03: Request to extend the January 11, 2021, statutory decision deadline for approval or disapproval of the Texas Oil and Gas program authorization request.

Response

The 90-day deadline prescribed by CWA § 402(c) and 40 CFR § 123.61(b) by which EPA must approve or disapprove a state's request for NPDES authorization may only be extended by agreement between EPA and the State. See 40 CFR § 23.21(d). On January 5, 2021, EPA and Texas agreed to extend the statutory review deadline from January 11, 2021, to January 19, 2021, in order to allow EPA additional time to consider and respond to public comments. EPA does not believe an additional extension of the deadline is warranted. EPA worked closely with the State both before and after submittal of the State's application for program authorization on October 12, 2020, in order to satisfy itself that the State's program complies with the requirements of the CWA and 40 CFR Part 123. Public comments received orally at the public

hearing on January 5, 2021, and in writing by the end of the comment period on January 11, 2021, were instrumental in informing EPA's decision. However, the comments did not raise substantial new issues or questions related to the State's application that would necessitate a further extension of the review period. EPA believes it had sufficient time to carefully and fully consider those comments and make a final determination by the January 19th statutory deadline.

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Summary of Issue: Public Hearing Comment-PH04: Request extend the public comment period to at least February 5, 2021.

Response

Commenter's request to extend the 45-day public comment period was made during the January 5, 2021 virtual public hearing regarding this matter. EPA's denial of the request was posted on the agency's Public Notice website on January 8, 2021, in order to make the commenter and the rest of the public aware that the January 11th deadline would not be extended. In its denial, EPA explained that in order to consider comments and still meet the January 19, 2021, deadline by which EPA must make a final decision in this matter, EPA was unable to extend the public comment period.

The 90-day deadline prescribed by CWA § 402(c) and 40 CFR § 123.61(b) by which EPA must approve or disapprove a state's request for NPDES authorization may only be extended by agreement between EPA and the State. See 40 CFR § 23.21(d). On January 5, 2021, EPA and Texas agreed to extend the statutory review deadline from January 11, 2021, to January 19, 2021, in order to allow EPA additional time to consider and respond to comments, but EPA does not believe a further extension is warranted. See Response to Comment PH03. Moreover, EPA believes the 45-day comment period provided by the agency allowed the public sufficient time to review and comment on the State's authorization request.

The State's request for authorization seeks to add regulation of oil and gas discharges to its existing regulatory program. TCEQ has implemented a NPDES program for all other discharges within its jurisdiction since EPA's approval of the Texas Pollutant Discharge Elimination System (TPDES) in 1998. As explained in the State's submittal documents, TCEQ will incorporate oil and gas discharges as an additional point source category under this existing program. As a result, much of the affected community is already familiar with many of the statutes, regulations and administrative processes underlying the State's proposed oil and gas program. Moreover, both the 2019 legislation directing TCEQ to seek the oil and gas NPDES program and the proposed program itself were the subject of an extensive stakeholder process at the State level.

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Summary of issue: Public Hearing Comment-PH05: The statutory review deadline should have started on November 5, 2020 and not October 12, 2020, since Texas submitted and update to the program authorization package on that date

Response

CWA § 402(c) and 40 CFR § 123.61(b) provide EPA with 90 days to review and approve/disapprove a state's application for NPDES program approval. Under 40 CFR § 123.21(b), the 90-day review period begins on the date of EPA's receipt of a complete submission package, which in this case was October 12, 2020. 40 CFR § 123.21(c) provides for restarting the 90-day review period only if a state's submission is "materially changed" during the review period, in which case the review period begins again upon receipt of the revised submission. The language edit submitted by email from TCEQ to EPA on November 5, 2020, was not a material change to the State's submission. The edit was intended only to correct and clarify incorrect and misleading sentences in Chapter 3 of the State's submission, entitled "Oil and Gas Enforcement Program Description."

Texas' current authorization request was a result of Texas House Bill 2771, passed in 2019, which transferred jurisdiction over oil and gas discharges in the State from the Railroad Commission (RRC) to the TCEQ upon NPDES authorization approval from EPA. As noted in the letter from Texas Governor Abbott requesting program approval: "When TCEQ was granted authority by the Environmental Protection Agency (EPA) in 1998 to administer the NPDES program for the Clean Water Act programs under its jurisdiction, oil and gas discharges were regulated by the Railroad Commission of Texas (RRC). As a result of House Bill 2771, passed by the 86th Texas Legislature, jurisdiction to regulated oil and gas discharges into water in the state will transfer from RRC to TCEQ upon program authorization from EPA." Consequently, the State submitted an application for NPDES authority for all oil and gas point discharges into waters of the State, and the State's program submission documents were clear about the scope of the application. Chapter 3 of the State's submission states in the opening paragraphs that "[regulatory authority for oil and gas wastewater discharges into water in the state transfers from the RRC to the TCEQ upon delegation of authority for these discharges from EPA to the TCEQ," and that "upon the date of program authorization, the TCEQ will be responsible for compliance monitoring and enforcement of the TPDES program for oil and gas wastewater discharges." Following submittal of the official documents, however, it was noticed that the third paragraph on page one of Chapter 3 (directly following the language quoted above) included two sentences that did not track with the rest of the submission. Those two sentences read: "Not all discharges or spills associated with oil and gas operations are under the jurisdiction of TCEQ. Spills and other unplanned releases of wastewater associated with the exploration, development and production of oil and gas are still under the Texas Railroad Commission's authority." This language was incorrect and not in accordance with the shift in Texas regulatory jurisdiction mandated by Texas House Bill 2771. It is unclear how this language made its way into the State's 2020 Chapter 3 document, but it is possible that this language was originally included in the enforcement description document submitted as part of Texas' 1998 Request for partial NPDES program authorization and was accidentally transferred to the current document through "cut and paste." Regardless, upon noticing the incorrect language, TCEQ submitted replacement language to clarify that "[u]pon EPA's approval of the State's request for NPDES authority for such oil and gas discharges, primary enforcement authority for such spills and releases will transfer to TCEQ."

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Summary of Issue: Public Hearing Comment-PH06. Authorizing Texas program would result in disproportionate environmental impacts on Environmental Justice communities in west Texas, including those with a high percentage of Spanish speaking populations.

Response

The minimum requirements for state NPDES program approval established under the CWA and 40 CFR Part 123 do not require that the state have procedures to ensure environmental justice issues are taken into consideration in state permitting and enforcement decisions in order to receive NPDES authorization. However, EPA encourages states to include environmental justice provisions in their environmental programs, and TCEQ has a program in place to involve Environmental Justice communities in the State’s processes. In response to Environmental Justice concerns raised at the January 5, 2020, Public Hearing, TCEQ submitted the following information by email to EPA. “TCEQ is committed to protecting the health of the citizens of Texas and its environment. We have a robust public participation program and address environmental equity (i.e., environmental justice (EJ)) concerns for all Texans, including low-income and minority communities across the state, so that all Texans can fully participate in decision-making processes and enjoy the benefits of our environmental programs.

Although we do not have a state statute directly related to EJ, TCEQ is committed to EJ and follows Title VI of the Civil Rights Act of 1964. We also have an environmental equity program (<https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html>) that aims to:

- Help Texas residents and neighborhood groups participate in decision-making and regulatory processes.
- Serve as TCEQ’s contact to address concerns about EJ.
- Thoroughly consider EJ concerns and handle them fairly.
- Ensure that all people receive equal benefit from environmental regulations and protection.

Additionally, TCEQ has extensive alternative language resources available, particularly in Spanish, to address the needs of persons with limited-English proficiency. The TCEQ home page has a prominent link at the top of the first page labeled “En Espanol” (https://www.tceq.texas.gov/en_espanol/index_english.html).

More information on the Texas Environmental Equity: Nondiscrimination in TCEQ Processes program is available online at: <https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html>. This web page also has links to a Spanish translation version.

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Summary of Issue: Public Hearing Comment-PH07. Question on why a public notice was not also published in the San Antonio newspaper.

Response

40 CFR § 123.61(a) requires EPA to publish notice of the State's application in enough of the largest newspapers in the State to attract statewide attention. This provision provides EPA considerable discretion to determine the newspapers in which to publish notice. After careful consideration, EPA chose to publish notice in the newspapers of the major cities of Houston, Austin, Dallas and El Paso. Although San Antonio is certainly a major city as well (in fact the State's 3rd largest), it is located only approximately 80 miles from the State Capital of Austin and is located, like Austin, in central Texas. EPA believes its decision to publish in Austin, but not in San Antonio, was reasonable given the proximity of these two cities, the potential overlap in their residents' newspaper readership, and the substantial drain on the agency's limited resources associated with each additional newspaper notice.

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Summary of Issue: Public Hearing Comment-PH08. Questioning whether TCEQ will have sufficient resources to adequately implement the requested oil and gas permitting program.

Response

See response to comment EPA-R06-OW-2020-0608-DRAFT-0159.

Comments Submitted to the Docket

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Document: EPA-R06-OW-2020-0608-DRAFT-0011
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Name: Anonymous

General Comment

I recommend we not permit the discharge of this harmful material. I further recommend we adopt the New Green Deal immediately.

Response

Comment is outside the scope of the program authorization action, which is limited to determining whether the State of Texas' application for oil and gas NPDES program authorization meets the minimum requirements for approval at CWA 402(b-d) and implementing regulations at 40 CFR 123 . Neither the New Green Deal nor which discharges are subject to permitting under the NPDES program are under consideration in this action.

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Document: EPA-R06-OW-2020-0608-DRAFT-0012
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: John Weber
Organization: Me
Government Agency Type: Local

General Comment

This seems crazy to allow dumping of wastewater into surface water bodies without undergoing treatment and testing first. This should be not allowed. If the oil and gas industries cannot afford to do it correctly, they should not be doing it at all. Thank you.

Response

Comment is outside the scope of the program authorization action, which is limited to determining whether the State of Texas' application for oil and gas NPDES program authorization meets the minimum requirements for approval at WA 402(b-d) and implementing regulations at 40 CFR 123. Which discharges are subject to permitting under the NPDES program is not under consideration in this action, and NPDES program requirements apply to covered discharges regardless of whether the NPDES program is implemented by EPA or the State.

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Document: EPA-R06-OW-2020-0608-DRAFT-0013

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Name: Donna Rosson

Address:

SINTON, TX,

Email: drossonjr@yahoo.com

Phone: 3612221212

General Comment

TCEQ cannot be trusted with our health and environment because it is politically tied to the Oil and Gas Industry in Texas. To grant TCEQ this NPDES designation authority to permit Oil and Gas wastewater disposal into surface streams and creeks is contrary to environmental protection. The designation is sought for unsafe and an unnecessary cost cutting tool benefiting a group of industries that do not respect health, safety, or the environment or the people who live within it. Denial of this designation would be in keeping with declared protection of the environment which the EPA is sworn to protect. Please deny TCEQ's designation application on grounds of new Administration policy to protect the environment. Direct disposal of oil and gas discharges into disposal wells is not only feasible but cost efficient with the number of abandoned wells in Texas oil fields.

Texans' health and safety depend on EPA, because we cannot depend on TCEQ.

Response

CWA § 402(b) and EPA's implementing regulations at 40 CFR Part 123 establish the minimum federal requirements that states must meet to receive NPDES program authorization. These requirements have been in effect in substantially the same form since 1979, and a change in political administration does not affect these requirements unless the new administration amends the regulations through federal rulemaking. Under CWA § 402(b) and 40 CFR § 123.1(c), if a state's proposed NPDES program meets these minimum requirements, EPA must approve the state program. Texas has demonstrated its NPDES oil and gas program meets these minimum federal requirements. However, to further ensure the integrity of approved state programs, the CWA provides that EPA retain oversight of state NPDES programs, including the retention of

independent enforcement authority within the state. See CWA § 402(c)(2), 402(d) and 402(i). In addition, CWA § 402(c) gives EPA the authority to withdraw approved state programs that no longer meet the federal NPDES program requirements. As part of its oversight role, EPA will review the implementation of Texas' oil and gas program to ensure that the program is properly implemented. EPA's oversight activities include review of draft NPDES permits prepared by the State, as well as assessments of the State's program through the Permit Quality Review (PQR) and State Review Framework (SRF) processes.

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Document: EPA-R06-OW-2020-0608-DRAFT-0014
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: Rep. Todd Hunter
Organization: not member of organization - citizen of Nueces County

General Comment

I believe TCEQ is too connected with the Energy industry to be the designated permitting authority for determining disposal sites for oil and gas wastewater. Pres-elect Biden and his administration have declared an intention to protect the environment.

In my opinion, it would be wise to at least postpone deliberation on TCEQ's application or any other agency or group, until after the new administration has had adequate time to draft their environmental protection policies.

My main concern as a Texas resident is for all streams and creeks to not be contaminated so they will be safe for our future generations.

If a decision requires a more rapid response, I ask that you deny the TCEQ application to be the designated permitting authority for O & G wastewater disposal.

Sincerely,
Linda Snider -homeowner in Corpus Christi, TX 78415

Response

See Response to Comment EPA-R06-OW-2020-0608-DRAFT-0013.

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Document: EPA-R06-OW-2020-0608-DRAFT-0015
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: Margaret A Duran
Organization: Retired Medical Administrator

General Comment

I respectfully request that the EPA deny the application of the TCEQ to authorize the disposal of oil and gas effluent into any Texas waters. I am 71 years old and have lived in Corpus Christi, Texas for 40 years. We watched the TCEQ go against the advice of its own scientists to NOT award a permit to a pet coke plant after our community organized against it so we have little confidence that it actually works for the environment, but consistently puts business interests above public health and the common good.

We are about to change from an administration which turned back environmental protections to one which values them. Please give the new Administration some time to re-establish better and higher norms and values. Texas is currently in a drought situation. We can find new types of energy, but we cannot afford to poison our water. Please say no to the TCEQ's application and give Texas a little time to rethink its priorities.

Thank you for considering these comments.

Response

See Response to Comment EPA-R06-OW-2020-0608-DRAFT-0013.

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Document: EPA-R06-OW-2020-0608-DRAFT-0016
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Organization: nathan clark retired boat captain

General Comment

NO!!! TCEQ is highly influenced by the industry they are suppose to be watching for John Q citizen but not so. NO NO NO to this request.

Response

See Response to Comment EPA-R06-OW-2020-0608-DRAFT-0013.

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Document: EPA-R06-OW-2020-0608-DRAFT-0017
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I reside on the Texas coast in Portland Texas. The TCEQ has permitted everything that has come to our area with no regard for the effects on the environment. TCEQ is NOT concerned with environmental quality at all. Please do not allow this process to go further. The oil and gas industry gets a pass at every turn. Yes, we need oil and gas, but there must be a balance. If industry is continually allowed to pollute our water and air, money and jobs will be pretty useless.

Response

See Response to Comment EPA-R06-OW-2020-0608-DRAFT-0013.

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Document: EPA-R06-OW-2020-0608-DRAFT-0018
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

The Texas Alliance of Energy Producers (the Alliance) submits these comments today in support of the Texas Commission on Environmental Quality's (TCEQ) request for National Pollutant Discharge Elimination System (NPDES) program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent, hereafter referred to as oil and gas discharges, in Texas.

With over 2,600 members, the Alliance is the largest state oil and gas association in the United States. Our members hail from nearly 30 states and 300 cities. We represent the upstream (exploration and production) segment of the oil and gas industry; our members are oil and gas operators/producers, service and drilling companies, royalty owners, and a host of affiliated companies and industries in Texas and beyond.

Pursuant to HB 2771, which the Texas Legislature passed in 2019, authority for certain discharges of oil and gas waste discharge was transferred from the Texas Railroad Commission to TCEQ. Because TCEQ already houses the non-oil and gas waste discharge program in its Texas Pollutant Discharge Elimination System (TPDES) program through its delegated authority from EPA, transferring this responsibility to TCEQ was the right decision.

TCEQ has shown its ability to handle the TPDES program very well since 1998 and there is no question that they will handle the oil and gas waste discharge program with equal sophistication and stewardship. We can rest easy knowing that this important responsibility will reside at an agency that has a fantastic record of keeping Texas clean and that the program must still be administered using the strict standards set by EPA.

As Texans, we understand the importance of a strong regulatory regime to keep the environment clean and to penalize bad actors. We believe that transferring this program from EPA to TCEQ will accomplish that goal, while allowing for some regulatory efficiency for our members by allowing them to avoid two separate and distinct lengthy permitting processes for one potential

discharge point.

Thank you for your serious consideration of these comments and of this request for program authorization.

Jason Modglin
President, Texas Alliance of Energy Producers

Attachments

1.4.21 TAEP Support for TCEQ Delegation



January 4, 2021

Docket No. EPA-R06-OW-2020-0608

To whom it may concern:

The Texas Alliance of Energy Producers (the Alliance) submits these comments today in support of the Texas Commission on Environmental Quality's (TCEQ) request for National Pollutant Discharge Elimination System (NPDES) program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent, hereafter referred to as oil and gas discharges, in Texas.

With over 2,600 members, the Alliance is the largest state oil and gas association in the United States. Our members hail from nearly 30 states and 300 cities. We represent the upstream (exploration and production) segment of the oil and gas industry; our members are oil and gas operators/producers, service and drilling companies, royalty owners, and a host of affiliated companies and industries in Texas and beyond.

Pursuant to HB 2771, which the Texas Legislature passed in 2019, authority for certain discharges of oil and gas waste discharge was transferred from the Texas Railroad Commission to TCEQ. Because TCEQ already houses the non-oil and gas waste discharge program in its Texas Pollutant Discharge Elimination System (TPDES) program through its delegated authority from EPA, transferring this responsibility to TCEQ was the right decision.

TCEQ has shown its ability to handle the TPDES program very well since 1998 and there is no question that they will handle the oil and gas waste discharge program with equal sophistication and stewardship. We can rest easy knowing that this important responsibility will reside at an agency that has a fantastic record of keeping Texas clean and that the program must still be administered using the strict standards set by EPA.

As Texans, we understand the importance of a strong regulatory regime to keep the environment clean and to penalize bad actors. We believe that transferring this program from EPA to TCEQ will accomplish that goal, while allowing for some regulatory efficiency for our members by allowing them to avoid two separate and distinct lengthy permitting processes for one potential discharge point.

Thank you for your serious consideration of these comments and of this request for program authorization. Sincerely,

Jason Modglin
President, Texas Alliance of Energy Producers



Texas Alliance of Energy Producers 1000 West Ave.
Austin, TX 78701

Response

Comment supporting authorization of the Texas Oil and Gas Program noted.

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Document: EPA-R06-OW-2020-0608-DRAFT-0019
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0020
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Organization: Rosalinda Chas

General Comment

Please deny TCEQ's designation application on grounds of new Biden Administration policy to protect the environment. We celebrate and support a renewed and revitalized EPA, our only hope for environmental health protections in the State of Texas.

Response

See Response to Comment EPA-R06-OW-2020-0608-DRAFT-0013.

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Document: EPA-R06-OW-2020-0608-DRAFT-0021
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: Encarnacion Serna
Organization: self

General Comment

Deny the TCEQ any authority having to do with NPDES PROGRAM AUTHORIZATION. or any other major programs the EPA currently delegates to the TCEQ pertaining to the CLEAN AIR ACT or the CLEAN WATER ACT. This should include retrieval or refusal of any delegations currently in the hands of the TCEQ. This Ban, Refusal, and Retrieval should not apply to small businesses, but only to the following listed below large industries:
1. Oil and Gas exploration, drilling, production and processing such as oil refining and gas

processing, and exportation.

2.Petrochemical processing i.e. petrochemical plants.

3.Chemical plants.

This refusal or ban action is necessary because the TCEQ has been and continues to be at the service and disposal of the large industries listed above. The TCEQ has never been protective of the citizens of the State of Texas or of its air, waters, and land. The TCEQ its commissioners and Executive Directors are only interested in protecting the agency from law suits by being servile to the industries listed above. The TCEQ only protects big industry and not the citizens or the environment and in so doing with its lies, excuses, and obscure, laws and rules becomes just like the big industry they protect very intrusive, abusive and tyrannical. The TCEQ needs to be reformed thoroughly and comprehensively by our elected officials, so that it can become a true protective agency and not just a "fake" organizations where the politicians in power can lie, pretend, and tell the citizens that the State, the citizens and the environment are truly protected.

Response

See Response to Comments EPA-R06-OW-2020-0608-DRAFT-0012 and EPA-R06-OW-2020-0608-DRAFT-0161.

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Document: EPA-R06-OW-2020-0608-DRAFT-0022

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0023
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and

by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Response

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For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0024
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are

unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0025
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and

gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0026
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0027
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0028
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

Deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

The short, 45-day public comment period for this request, and the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments, is disturbing. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0030

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0031

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0032
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0033

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0034
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0035
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0036
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to

deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0037
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about

the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0038
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0039
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced

water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0040
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's (TCEQ) request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways.

Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators

and treatment plant operators. If approved TCEQ would have the authority to decide whether to allow discharges of frack wastewater into Texas lakes and rivers anywhere west of the 98th Meridian (roughly west of San Antonio and Austin). Currently almost all of this wastewater is injected underground. While this wastewater would need to be treated before it is discharged, it contains chemicals used in fracking and other oil and gas operations that are unknown to the public and to regulators, because industry is allowed to conceal this information as 'trade secrets.' Allowing unknown, and very likely toxic chemicals to be discharged into surface water that millions of Texans depend on for drinking and recreating needlessly puts public health and the environment at risk.

The EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0041
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0042
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0044

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0045
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0046
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0047
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0048
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0049
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to

deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

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Document: EPA-R06-OW-2020-0608-DRAFT-0050
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0051
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0052
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to

deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0053
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

Having grown up here, I trust most of Texas' "leaders" as far as I can throw them in these matters.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0054
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the

discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0055
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0056
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0058
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0059
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0060
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0061
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

American Citizens deserve better and OUR voices need to be heard above the destructive nature of Greedy Corporations and Pure D Ignorance.

We ALL need to protect these extraordinary places and the magnificent Flora and Fauna that live there, in order to remain connected to this earth, it is not only about the salvation of the planet, but it is also about the salvation of ourselves.

SAVE OUR WILDLIFE!!!

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0062
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics

of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0063
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are

unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0064
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been

updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0065
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance

monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

=====
Document: EPA-R06-OW-2020-0608-DRAFT-0066
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0067
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

Greetings. I'm a Texan who cherishes the state's blue skies and clean water that are currently threatened by the fracking that is taking place in south Texas and in the Permian Basin. As your agency's title states. Protection. Simple.

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0068
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0069
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0070
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day

to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0071
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity

measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0072
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began

and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0073
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

This, like numerous other issues (climate change, food labeling, gun safety, immigration reform, prison reform, education reform, short-term lending regulation, healthcare reform, banking regulation, opioid regulation) remains a vexing problem primarily due to corporations' ability to curry favor with elected officials. The corrupting influence of money in our political system is undermining our democratic traditions and discouraging Americans from voting and/or running for office. This ominous development may well end our experiment in representative democracy unless we alter this decades-long trend. For the sake of the republic, we must amend the US Constitution to state that corporations are not people (and do not have constitutional rights) and money is not speech (and thus can be regulated by state and/or federal campaign finance laws). Short of accomplishing this, no other reform of significance will be achieved. The moneyed interests will turn any reform to their benefit, often at the expense of the nation as a whole.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0074
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the

public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0075
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0076
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water

of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0077

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

And why the hell are we allowing the open water dumps in my state of Texas if anything dump it on fields that aren't in use and not near waterways! And let the ground filter the chemicals out. Unless you know that these are forever chemicals that damn sure shouldn't be in our lakes, creeks and river that we fish and we are a huge fishing state. Makes me sick how over whelming our leaders in Texas are bought off by oil. Your supposed to be in office for the people not big oil! I know one thing that's in this water is a large amount of bleach that will surely kill the fish we love! Release the chemicals so we know what we're dealing with!!!

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0078

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0079
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0080
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day

to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0081
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical

characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0082
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

If you allow the Texas Commission on Environmental Quality the primacy it's requesting over the National Pollution Elimination Discharge System, you'll be creating a toxic mess we in Texas may never be able to adequately clean up through later corrective actions.

TCEQ isn't the only problem but is a significant piece of other major problems that added together will allow the dumping of inadequately treated fracking waste fluids and materials into our lakes, rivers, streams, water basins, and wetlands etc where we'll never be able to extract all the chemicals and radioactive materials released into our environment.

The Railroad Commission of Texas is an important part of the problem responsible for such waste in the drilling and fracking fields before TCEQ takes over the responsibility for the toxic, radioactive stuff. Our oil & gas Governor is part of the problem in terms of appointing the TCEQ Commissioners. The Texas Legislature is responsible in terms of passing laws adequate to the proper protection of our health and environment and inadequately funding especially TCEQ to build adequate number of adequate air monitors that measure not only ground level ozone but also the full range of PM2.5 particulates, VOCs, and NOx etc. TCEQ's toxic air emission plans don't adequately protect our health, since they rely on citizen reports on emissions (such as PM2.5) that aren't always visible or detectible by odder and shelter-in-place orders that are not practical or adequate.

EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0083
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0084
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0085
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0086
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11

deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0087
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity

measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0088
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began

and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0089
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0090
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water. TCEQ isn't the only problem but is a significant piece of other major problems that added together will allow the dumping of inadequately treated fracking waste fluids and materials into our lakes, rivers, streams, water basins, and wetlands etc where we'll never be able to extract all the chemicals and radioactive materials released into our environment. There have been numerous reports of TCEQ blatantly ignoring toxic pollution into our Blanco River, and upstream in Georgetown by allowing developers and municipalities to dump treated wastewater into our environment. There also not enough air monitors in the State and we already lead the world in carbon emissions.

The Railroad Commission of Texas is an important part of the problem responsible for such waste in the drilling and fracking fields before TCEQ takes over the responsibility for the toxic, radioactive waste. Our Governor, who has appointed the TCEQ Commissioners is biased towards the industry and has solidified a fiefdom of likeminded commissioners. The Texas Legislature is responsible in terms of passing laws adequate to the proper protection of our health and environment and inadequately funding an adequate number of adequate air monitors that measure not only ground level ozone but also the full range of PM2.5 particulates, VOCs, and

NOx etc. TCEQ's toxic air emission plans don't adequately protect our health, since they rely on citizen reports on emissions (such as PM2.5) that aren't always visible or detectable by odor and shelter-in-place orders that are neither practical or adequate.

The short, 45-day public comment period for this request, which I just learned of today, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments, is not adequate time to fully process and evaluate all comments submitted on or just before the deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0092
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0093
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0094
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0095
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0096
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I WRITE to FERVENTLY AND STRONGLY urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. TEXAS WATERWAYS ARE PLACES WHERE PEOPLE INCLUDING TCEQ STAFF AND THEIR FAMILIES, ROW BOATS, SWIM, FISH AND MORE. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not AND MUST NOT enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request,

and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore **STRONGLY** urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0097
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to

allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0098
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

We live in New Braunfels, where we both enjoy and depend upon our two rivers. We are currently fighting cement companies and live in fear that our rivers and our health will be ignored in favor of the profit of corporations. Please read this well written form letter below aloud. It further expresses my thoughts and concerns.

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0099
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

It is appalling what the outgoing administration and agency administrators are doing at numerous govt agencies.
You should be disgusted with yourself. But you are not because you are greedy and careless about humanity and your sole.

Response

Comment noted for the record.

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Document: EPA-R06-OW-2020-0608-DRAFT-0100
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began

and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

=====
Document: EPA-R06-OW-2020-0608-DRAFT-0101
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0102
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0103
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0104
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

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Document: EPA-R06-OW-2020-0608-DRAFT-0105
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0106
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Response

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0107
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water

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Response

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0108
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0109
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0110
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0111
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0112
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0113
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0114
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical

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Document: EPA-R06-OW-2020-0608-DRAFT-0115
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

EPA-RO6-OW-2020-0608-0001

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Document: EPA-R06-OW-2020-0608-DRAFT-0116
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0117

Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0118
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Email: llevine@gcatx.org

Government Agency Type: State

Government Agency: Gulf Coast Authority

General Comment

See Attattached file(s)

Attachments

Comments on State of TX Submittal to EPA 01-07-2021



Gulf Coast Authority

910 Bay Area Boulevard • Houston, Texas 77058
Phone: 281.488.4115 • Fax: 281.488.3331 • www.gcatx.org

January 7, 2021

Mr. Ken McQueen
Regional Administrator
U.S. Environmental Protection Agency
Region 6, Mail Code ORA
1201 Elm Street, Suite 500
Dallas, Texas 75270

Submitted via: <http://www.regulations.gov>. Docket No. EPA-R06-OW-2020-0608

RE: Comments on State of Texas Submittal to EPA of Request for Partial NPDES Program Authorization for Oil and Gas Discharges
Docket No. EPA-R06-OW-2020-0608

Dear Mr. McQueen,

Gulf Coast Authority ("GCA") appreciates the opportunity to provide comments in support of the Texas Submittal to EPA of Request for Partial NPDES Program Authorization for Oil and Gas Discharges, 85 Fed. Reg. 76,073 (Nov. 27, 2020) Docket No. EPA-R06-OW-2020-0608.

GCA is a conservation and reclamation district created by the Texas Legislature in 1969 as a political subdivision of the State of Texas. It was first established as an instrumentality for developing a regional water quality management program, including provision of waste treatment and disposal of wastes in Chambers, Galveston, and Harris Counties. It can now build and operate facilities for treatment and discharge or reuse of waste statewide as well as provide for industrial water supply. GCA's mission is to protect the waters of the state of Texas through environmentally sound and economically feasible and technologically advanced regional waste management practices. GCA's current facilities include four treatment plants designed to treat specified types of industrial wastewaters including one in the heart of the Permian Basin, as well as one municipal facility treating primarily domestic waste. GCA facilities combined treat approximately fifty (50) million gallons per day of industrial wastewater from over ninety (90) customers.

GCA believes that the application for partial delegation enhances the GCA mission of protecting the waters of the State of Texas by consolidating NPDES permitting and enforcement under the TCEQ. It is GCA's belief that TCEQ is best positioned to perform permitting as it has the largest allocation of governmental staff

Protecting the waters of the State of Texas through environmentally sound,
economically feasible and technologically advanced wastewater and water management practices.

Response

Comments in support of program authorization and permit and enforcement program staffing levels at TCEQ are noted for the record.

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Document: EPA-R06-OW-2020-0608-DRAFT-0119
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I agree with everything in this petition. We must stop the evisceration of our resources. We are destroying the planet. We need clean water.

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0120
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11

deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

=====
Document: EPA-R06-OW-2020-0608-DRAFT-0121
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0122
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the

public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0123
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0124
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0125
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0126
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0127
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the

public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0128
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical

use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0129
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began

and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0130
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0131
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0132
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

=====
Document: EPA-R06-OW-2020-0608-DRAFT-0133
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0134
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to **SAVE OUR STREAMS** and **CLEAN WATER** by denying the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the

public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0135
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0136
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to

allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0137
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced

water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0138
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0139
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0140
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

See attached file.

Tulsi Oberbeck
Director of Government and Regulatory Affairs
Texas Oil and Gas Association
304 W. 13th Street
Austin, TX 78701
512.617.8892

Attachments

TXOGA + API Comments Re NPDES Delegation Final



January 8, 2021

Submitted via <http://www.regulations.gov>
Docket No. EPA-R06-OW-2020-0608

Re: Environmental Protection Agency Public Notice of State of Texas' Submittal to EPA of Request for Partial National Pollutant Discharge Elimination System (NPDES) Program Authorization for Oil and Gas Discharges, 85 Fed. Reg. 76,073 (Nov. 27, 2020)
Docket No. EPA- R06-OW-2020-0608

COMMENTS

The Texas Oil and Gas Association ("TXOGA") and the American Petroleum Institute ("API") submits these comments on the Environmental Protection Agency ("EPA") Public Notice of State of Texas' Submittal to EPA of Request for Partial National Pollutant Discharge Elimination System ("NPDES") Program Authorization for Oil and Gas Discharges, 85 Fed. Reg. 76,073 (Nov. 27, 2020) ("Notice"), in support of the application of the State of Texas for NPDES authority for discharges from produced water, hydrostatic test water and gas plant effluent, hereinafter referred to as oil and gas discharges, within the State of Texas ("State").

TXOGA is a statewide trade association with approximately 5,000 members representing every facet of the Texas oil and gas industry, including small independents and major producers. Founded in 1919, TXOGA is the oldest and largest group in Texas representing petroleum interests; it continues to serve as the only organization encompassing all industry segments. TXOGA is a non-profit corporation whose members produce more than 90 percent of Texas's crude oil and natural gas; operate nearly 100 percent of the state's refining capacity; and are responsible for most of the state's pipelines. In fiscal year 2019, the oil and gas industry supported more than 428,000 direct jobs; it paid more than \$16 billion in state and local taxes and state royalties—the highest total in Texas history—funding our state's schools, roads, and first responders.

API is a national trade association representing over 600-member companies involved in all aspects of the oil and natural gas industry, including crucial exploration, production, transportation, and ancillary services. API's members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API and its members are dedicated to meeting environmental requirements while economically developing and supplying energy resources for consumers. API's members have a substantial interest in the scope of asserted federal jurisdiction under the Clean Water Act ("CWA"). As you know, API and its members have been constructive participants in the EPA and the USACE's development of CWA regulations including those related to discharge.

Response

Comments in support of program authorization, the staffing levels and expertise at TCEQ available for program implementation, adequacy of the program submittal, and on the benefits of eliminating permitting overlap if the program authorization request is approved are noted for the record.

Document: EPA-R06-OW-2020-0608-DRAFT-0141
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Response

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Document: EPA-R06-OW-2020-0608-DRAFT-0142
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Thank you.

Response

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Document: EPA-R06-OW-2020-0608-DRAFT-0143
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0144
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

Please do not allow Texas to discharge oil and gas discharge into waters of the state. This will be a disaster, Texas and TCEQ has a horrible track record for adequate discharge standards and enforcement of untreated waste. They have not created stream criteria and therefore how no idea what these streams can actually handle.

Attachments

Produced Water Comments EPA

TAGD Produced Water Subcommittee

BSEACD Comments

1. EPA's own report not only outlined concerns from scientists and environmentalists about the toxins in the hundreds of billions of gallons of wastewater produced each year by oil and gas drilling, but also from oil companies themselves. <https://www.epa.gov/sites/production/files/2020-05/documents/oil-gas-final-report-2020.pdf> One large company, the report noted, was troubled by proposals to allow treated wastewater to irrigate crops or get dumped into public waterways, citing "a lack of science around treatment efficacy and associated liability risks." Companies across the board said that disposal wells that store wastewater underground remain a far cheaper option.
2. Disposal capacity seems to be driver
 - a. RRC is starting to limit number of injection wells due to concerns over seismic activity. The oil and gas industry are concerned about further limitations on injection wells.
3. Produced water characterization is an evolving science.
 - a. EPA approved analytical methods do not exist for many constituents found in oil and gas extraction wastes. In addition, some constituents (such as total dissolved solids) found in oil and gas extraction wastes can interfere with EPA approved analytical methods and significantly affect the ability to detect and quantify the level of some analytes.
 - b. The current ELGs at 40 CFR Part 437 do not contain limitations for many of the pollutants commonly found in oil and gas extraction wastes. Many of these pollutants are not included on the current list of priority pollutants.
 - c. In collecting data for its 2016 hydraulic fracturing study, the U.S. Environmental Protection Agency (EPA) found literature reports showing the detection of about 600 different chemicals in some produced water samples. Some of these chemicals are monitored routinely, while others may rarely be measured.
 - d. Oil and gas extraction wastes can contain a variety of constituents, including biochemical oxygen demand (BOD), bromide, chloride, chemical oxygen demand (COD), specific conductivity, sulfate, total dissolved solids (TDS), total suspended solids (TSS), barium, potassium, sodium, strontium, benzene, ethylbenzene, toluene, xylenes, sulfide, gross alpha, gross beta, radium 226, and radium 228.
 - e. The pollutants present in and characteristics of oil and gas extraction wastes can vary greatly.
4. Water quality concerns related to discharge
 - a. Studies indicate produced water effluents may have elevated levels of TDS, halides, metals, and technologically enhanced naturally occurring radioactive materials (TENORM) relative to the receiving streams into which they are discharged
 - b. Documented and potential impacts to both aquatic life and human health related to discharges from facilities treating oil and gas extraction wastewater exist due to the prevalence of some pollutants. Levels of pollutants downstream from these facility

Response

See Responses to Comments Nos. PH01, PH02 and EPA-R06-OW-2020-0608-DRAFT-0013. Comment in opposition to approval of the Texas authorization request noted. Note that the Texas Surface Water Quality Standards, as codified by rule in the Texas Administrative Code (TAC), Title 30, Chapter 307, assign beneficial uses and water quality standards for those uses to all Texas waters.

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Document: EPA-R06-OW-2020-0608-DRAFT-0145
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

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Document: EPA-R06-OW-2020-0608-DRAFT-0146
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0147
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical

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Document: EPA-R06-OW-2020-0608-DRAFT-0148
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced

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=====D
Document: EPA-R06-OW-2020-0608-DRAFT-0149
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

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Document: EPA-R06-OW-2020-0608-DRAFT-0150
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

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Document: EPA-R06-OW-2020-0608-DRAFT-0151
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

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Document: EPA-R06-OW-2020-0608-DRAFT-0152
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0153
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

If you allow Texas and the Texas Commission on Environmental Quality the primacy it's requesting over the National Pollution Elimination Discharge System, you'll be creating a toxic mess we in Texas may never be able to adequately clean up through later corrective actions.

TCEQ isn't the only problem but is a significant piece of other major problems that added together will allow the dumping of inadequately treated fracking waste fluids and materials into our lakes, rivers, streams, water basins, and wetlands etc where we'll never be able to extract all the chemicals and radioactive materials released into our environment.

The Railroad Commission of Texas is an important part of the problem responsible for such waste in the drilling and fracking fields before TCEQ takes over the responsibility for the toxic, radioactive stuff. Our oil & gas Governor is part of the

problem in terms of appointing the TCEQ Commissioners. The Texas Legislature is responsible in terms of passing laws adequate to the proper protection of our health and environment and inadequately funding especially TCEQ to build adequate number of adequate air monitors that measure not only ground level ozone but also the full range of PM2.5 particulates, VOCs, and NOx etc. TCEQ's toxic air emission plans don't adequately protect our health, since they rely on citizen reports on emissions (such as PM2.5) that aren't always visible or detectable by odor and shelter-in-place orders that are neither practical or adequate.

EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Response

See Responses to Comments Nos. EPA-R06-OW-2020-0608-DRAFT-0011, PH01 and EPA-R06-OW-2020-0608-DRAFT-0013. Comments as to air emissions are outside the scope of this action, which is limited to determining whether the State of Texas' application for NPDES program authorization meets the minimum requirements for approval at CWA 402(b-d) and implementing regulations at 40 CFR 123. For response to comments regarding the January 11, 2021, decision date and requesting an extension of the 45-day comment period, see Response to Comments Nos. PH03 and PH04.

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Document: EPA-R06-OW-2020-0608-DRAFT-0154
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

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Document: EPA-R06-OW-2020-0608-DRAFT-0155
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

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=====
Document: EPA-R06-OW-2020-0608-DRAFT-0156
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

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Document: EPA-R06-OW-2020-0608-DRAFT-0157
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the

public comment period for an additional 45 days.

Thank you.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0158
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: Troy Lyons

Organization: American Exploration and Production Council

General Comment

See attached file(s)

Attachments

01-11-21 AXPC Comment Letter on TX Oil and Gas NPDES Delegation Notice



January 11, 2021

Mr. Kenneth McQueen
Regional Administrator
Region VI
United States Environmental Protection Agency

Submitted via www.regulations.gov

Re: *Public Notice of State of Texas' Submittal to EPA of Request for Partial National Pollutant Discharge Elimination System (NPDES) Program Authorization for Oil and Gas Discharges (EPA-R06-OW-2020-0608; FRL-10017-34-Region 6)*

Dear Regional Administrator McQueen:

The American Exploration and Production Council (AXPC) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA or the Agency) Public Notice of the State of Texas' Submittal of Request for Partial NPDES Program Authorization for Oil and Gas Discharges, 85 Fed. Reg. 76,073 (Nov. 27, 2020). AXPC supports the State of Texas's request.

AXPC is a national trade association representing largest independent oil and natural gas exploration and production companies in the United States. Dedicated to safety, science, and technological advancement, AXPC members strive to deliver affordable, reliable energy to consumers while positively impacting the economy and the communities in which we live and operate. As part of this, AXPC members understand the importance of ensuring positive environmental and public-welfare outcomes and responsible stewardship of the nation's natural resources.

AXPC supports efforts at both the state and federal level to encourage an expanded range of responsible discharge options for treated oil and gas wastewater. AXPC urges all policymakers to continuously weigh the costs and benefits of the various options for oil and gas wastewater and to seek those options that are the least costly and burdensome on operators to encourage these reuse, recycle, and renewal efforts. AXPC is confident that, through cooperation between EPA, the states, the oil and natural gas industry, and other stakeholders, we can identify opportunities to protect water quality, public health, and resource scarcity by expanding treatment of oil and gas wastewater for reuse, recycling, and safe renewal into the hydrologic cycle. AXPC believes it is important to note that Texas's request for permitting authority would not change the substance of any applicable water quality standards or source-category specific effluent limits. Additionally, AXPC notes that the Memorandum of Agreement between EPA and TCEQ that accompanies the State's application will ensure an appropriate delineation of federal and state authority.

The Clean Water Act provides that EPA shall approve a state's request to administer its own discharge permitting program, so long as the state in question has the required legal authorities. See 33 U.S.C. § 1342(b). That is the case here, and so EPA should promptly grant Texas' request. The State of Texas

Response

Comments in support of authorization are noted.

Document: EPA-R06-OW-2020-0608-DRAFT-0159
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: Nichole Saunders
Organization: Environmental Defense Fund

General Comment

The attached comments are submitted on behalf of the Environmental Defense Fund.

Attachments

EDF Comments_TCEQ Oil and Gas NPDES Delegation Application_1.11.21



January 11, 2021

Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

submitted via regulations.gov

ATT: Ms. Kilty Baskin, NPDES/Wetland Review Section (R6 WD-PN), baskin.kilty@epa.gov

RE: Comments on State of Texas' Application for National Pollutant Discharge Elimination System (NPDES) Oil and Gas Authorization; Docket No. EPA-R06-OW-2020-0608

To Whom It May Concern:

The Environmental Defense Fund (EDF) appreciates the opportunity to submit comments regarding the State of Texas's application for partial delegation to administer the Clean Water Act National Pollutant Discharge Elimination System (NPDES) program for oil and gas discharges to surface waters of the state. EDF is an international organization with an office in Austin and over 200,000 members and activists in Texas, many of whom care deeply about the potential health, water and environmental impacts of oil and gas development.

Delegation or not, EDF does not believe Texas water quality standards or Federal water quality criteria and effluent guidelines, as written, are currently adequate alone to protect public health and the environment from produced water discharges. However, EDF recognizes that the State of Texas and the Texas Commission on Environmental Quality (TCEQ) has likely met the minimum legal submission requirements for this partial delegation, as set out in §402(b) of the Clean Water Act and the implementing regulations in 40 C.F.R. part 123.

Nevertheless, EDF remains concerned that the adoption of federal guidelines alone will not be adequate to ensure future potential produced water discharges do not pollute waterways or harm public health. EDF's comments, therefore, are focused on ensuring that as TCEQ begins to consider and eventually issue novel permits for produced water discharges, EPA retains sufficient oversight over permit review and issuance to guarantee that the intent and objectives of the Clean Water Act are met. We believe that in this manner, EPA can better assess and ensure TCEQ's ability to issue permits that "[e]nsure compliance with" (see §402(b)) CWA

44 East Avenue
Austin, TX 78701

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edf.org

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Response

EPA notes EDF's comment that "the State of Texas and the Texas Commission on Environmental Quality (TCEQ) has likely met the minimum legal submission requirements for this partial delegation, as set out in §402(b) of the Clean Water Act and the implementing regulations in 40 C.F.R. part 123." Under CWA § 402(b) and 40 CFR § 123.1(c), if a state's proposed NPDES program meets these minimum requirements, EPA must approve the state program. EPA has determined that Texas has met the minimum requirements for program authorization. The State is not required to exceed these minimum legal requirements in order to receive program authorization.

Regarding the comments on adequacy of effluent limitation guidelines and water quality standards, see Responses to Comments Nos. PH01 & PH02 above.

With regard to comments on EPA review and oversight of permits issued by TCEQ, TCEQ's obligation under an approved program is to issue permits meeting all existing requirements of the CWA and implementing regulations applicable to authorized state programs. EPA's obligation is to provide oversight of the State program implementation. EPA's oversight activities include review of draft NPDES permits prepared by the State. See also response to Comment EPA-R06-OW-2020-0608-DRAFT-0161. The public also has the opportunity to participate in the permitting process during the draft permit public comment period and through challenges to final permit decisions.

The EPA notes your concern with regard to the review of only the first two permits for the discharge of produced water under 40 CFR 435 and 437. Section IV.C.1 of the MOA Addendum lists the category of permits that are to be reviewed by the EPA. These permits are not waived and are required to be submitted for review, to ensure permit conditions and requirements are consistent with the Clean Water Act. As to permits for the discharge of produced water that were previously waived, EPA believes that reviewing the first two permits under this category is reasonable based on the States' experience in writing complex NPDES permits for industrial dischargers. However, Section IV.C.8, also states that the EPA may terminate a waiver as to future permit action in whole or in part, at any time, by sending the TCEQ a written notice of termination. Even though the initial process for the EPA's review of produced waters permits cites the review of 2 draft permits, the EPA still retains the authority to review additional permits if necessary.

In addition, the EPA conducts Permit Quality Reviews (PQRs) where the TCEQ's process and administration of permit development and issuance is assessed. During that assessment, samples of permits, by the discretion of the EPA, are reviewed. If needed, the EPA may select these permits at the next PQR, to further assess the efficiency of the TCEQ's ability to draft NPDES permits for produced waters.

Regarding comments on TCEQ resource needs if there is an increase in applications for produced water discharges, EPA is unable to determine if more applications for discharges of produced water will be submitted to TCEQ than are currently being submitted to EPA. The same technology-based and water quality-based permitting requirements of the Act apply to EPA-issued and state-issued permits, so the change in permitting authority does not necessarily mean the limited number of applications for EPA-issued permits will result in an increase in

applications for permits issued by TCEQ. Dischargers make decisions on whether to apply for NPDES permits based on many factors, including the relative cost of compliance with permit conditions vs the cost of traditional disposal options such as underground injection. See also response to EPA-R06-OW-2020-0608-DRAFT-0161.

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Document: EPA-R06-OW-2020-0608-DRAFT-0160
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

U.S. Environmental Protection Agency
EPA Docket Center
Docket No. EPA-R06-OW-2020-0608
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Docket No. EPA-R06-OW-2020-0608 United States Environmental Protection Agency (EPA), Region 6 request for comments for the State of Texas' application for National Pollutant Discharge Elimination System (NPDES)

Dear Administrator Wheeler:

On behalf of the Texas Independent Producers and Royalty Owners Association (TIPRO), I would like to express our appreciation for the opportunity to respond to the United States Environmental Protection Agency (EPA), Region 6 request for comment in support of the State of Texas' application for National Pollutant Discharge Elimination System (NPDES) authority for discharges from produced water, hydrostatic test water and gas plant effluent within the State of Texas.

TIPRO is one of the largest statewide trade associations in Texas representing the oil and natural gas industry. Our members include the largest producers of oil and gas in the state, as well as hundreds of small to mid-sized independent operators and royalty owners. Collectively, TIPRO members produce approximately 90 percent of the oil

and natural gas in Texas and own mineral interests in millions of acres across the state. Our organization's mission, since its inception, is to preserve the ability of independent operators to explore for and produce oil and natural gas.

As you know, the Texas oil and gas industry continues to be a cornerstone of our state economy, currently supporting over 2 million direct and indirect jobs and providing billions of dollars in tax revenue annually that support all aspects of our state. In 2019, our state set a new record for oil and natural gas production with 1.8 billion barrels of oil and 10.4 trillion cubic feet of gas produced. While setting new production records, Texas oil and natural gas operators also continued to make significant progress in reducing their environmental impact under state regulatory agencies such as the Texas Commission on Environmental Quality (TCEQ).

As a result of the passage of House Bill 2771 by the 86th Texas Legislature, jurisdiction to regulate oil and gas discharges into water in the state will transfer from the Texas Railroad Commission (RRC) to TCEQ upon program authorization from the EPA. TIPRO supported House Bill 2771 and the move of NPDES authority for oil and gas discharges within the State of Texas from the EPA and RRC to TCEQ.

TCEQ was granted authority by EPA in 1998 to administer the NPDES program for the Clean Water Act programs under its jurisdiction and has done an outstanding job keeping Texas' natural resources safe by adhering to the strict standards set by EPA. Oil and gas discharges, however, were left regulated by the RRC. TIPRO supports the approval of Docket No. EPA-R06-OW-2020-0608 to allow TCEQ to continue its stellar record of environmental stewardship, now with the oil and gas waste discharge program, and increase regulatory efficiency by centralizing NPDES permitting.

TIPRO has a strong record of supporting our regulatory agencies as appropriate and looks forward to continued work with the EPA and state regulatory agencies on actions impacting the industry. We greatly appreciate your continued work and collaboration with the State of Texas to protect public health and the environment, and thank you again for this opportunity to submit comments.

Respectfully submitted,

Ed Longanecker
President
TIPRO

919 Congress Avenue, Suite 1000 Austin, TX 78701
Office: 512-477-4452 / Email: elonganecker@tipro.org

Attachments

TIPRO Letter to EPA re State NPDES Delegation



January 11, 2021

U.S. Environmental Protection Agency
EPA Docket Center
Docket No. EPA-R06-OW-2020-0608
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Docket No. EPA-R06-OW-2020-0608 United States Environmental Protection Agency (EPA), Region 6 request for comments for the State of Texas' application for National Pollutant Discharge Elimination System (NPDES)

Dear Administrator Wheeler:

On behalf of the Texas Independent Producers and Royalty Owners Association (TIPRO), I would like to express our appreciation for the opportunity to respond to the United States Environmental Protection Agency (EPA), Region 6 request for comment in support of the State of Texas' application for National Pollutant Discharge Elimination System (NPDES) authority for discharges from produced water, hydrostatic test water and gas plant effluent within the State of Texas.

TIPRO is one of the largest statewide trade associations in Texas representing the oil and natural gas industry. Our members include the largest producers of oil and gas in the state, as well as hundreds of small to mid-sized independent operators and royalty owners. Collectively, TIPRO members produce approximately 90 percent of the oil and natural gas in Texas and own mineral interests in millions of acres across the state. Our organization's mission, since its inception, is to preserve the ability of independent operators to explore for and produce oil and natural gas.

As you know, the Texas oil and gas industry continues to be a cornerstone of our state economy, currently supporting over 2 million direct and indirect jobs and providing billions of dollars in tax revenue annually that support all aspects of our state. In 2019, our state set a new record for oil and natural gas production with 1.8 billion barrels of oil and 10.4 trillion cubic feet of gas produced. While setting new production records, Texas oil and natural gas operators also continued to make significant progress in reducing their environmental impact under state regulatory agencies such as the Texas Commission on Environmental Quality (TCEQ).

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TCEQ was granted authority by EPA in 1998 to administer the NPDES program for the Clean Water Act programs under its jurisdiction and has done an outstanding job keeping Texas' natural resources safe by adhering to the strict standards set by EPA. Oil and gas discharges,

TIPRO's Public Comments to EPA re: Docket No. EPA-R06-OW-2020-0608

1 | Page

Response

Comments in support of program authorization and the permitting efficiency that would result are noted for the record.

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Document: EPA-R06-OW-2020-0608-DRAFT-0161
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Submitter's Representative: Kathryn Masten
Organization: Ingleside on the Bay Coastal Watch Association

General Comment

As the Executive Director of the Ingleside on the Bay Coastal Watch Association (IOBCWA.org), I would like to express my concern over this proposal to allow the Texas Commission on Environmental Quality (TCEQ) to do all TPDES oil and gas permitting for our state. Our nonprofit organization was formed about 1.5 years ago to protect our small coastal incorporated city of 700 from the rapid industrialization happening adjacent to us in the Coastal Bend region of south Texas that threatens the health, safety, and quality of life of our residents. In our short existence, IOBCWA has already had to submit numerous public comments to TCEQ on a number of permits that directly impact our community - identifying numerous concerns about the applications along the way. But we know it's an uphill battle. There are currently permit applications under review for 2 desalination plants upstream from us (City of Corpus Christi and Port of Corpus Christi), dredging for a new ship basin immediately beside us (MODA), deepening and widening the La Quinta Ship Channel that surrounds us (Port of Corpus Christi), discharging waste into local creeks that open to our sensitive coastal bay system (Steel Dynamics), digging more pipelines through our land and sensitive estuaries (Axis Midstream and Project Bluewater), etc. The problem is that TCEQ appears to see itself as an "enabler" of industrial permitting in Texas, rather than a "watchdog" for communities that are potentially in harm's way. This aggressive approach to permit issuance often comes at the expense of Texas' small vulnerable communities like Ingleside on the Bay.

TCEQ's philosophy is that they issue the permit first, leaving communities to monitor industries for compliance and then suing them for violations. Small communities like ours simply don't have the kind of deep pockets to monitor and litigate! Instead, we look forward to having a strong EPA that will truly protect our air and water up front and work with our local experts to prevent long-term and potentially irreversible harm to our environment. More work should be done on the part of industry before permit issuance to prove that "no harm" to our air and water will occur. The research conducted by environmental experts from our universities and state/federal fish and wildlife organizations should be taken into account BEFORE permit issuance, rather than being dismissed.

Before entrusting the TCEQ with even more responsibilities, the EPA should conduct a review of TCEQ's permitting activity and see how many times, and under what circumstances, they've actually NOT issued a permit. My suspicion is that, with so many Texas elected officials benefitting politically and financially from oil and gas proceeds, we simply cannot trust the Texas Commission on Environmental Quality (TCEQ) to act in the best interests of our community - or the nation as a whole. The fact that this request is being pushed through just 10 days before the change in Presidential administrations suggests that this may simply be one more effort to ram through a pro-industry agenda that is already threatening the continued viability of Ingleside on the Bay and other Texas communities that stand in the way of the state's plans for industrial expansion - particularly the quest to export Permian Basin oil.

I therefore request that the EPA retain responsibility over Texas' oil and gas permits and reject TCEQ's bid to take over this function. I also request that the EPA conduct an investigation before acting on any proposed change. There is a HUGE amount of industrial activity going on in the Coastal Bend and along the Texas Gulf Coast. Without appropriate federal oversight, much harm can be done to the environment, to the health of Texans, and to the planet through the indiscriminate issuance of permits by the TCEQ. With a new experienced EPA administrator coming on board, it's time to step back and review, rather than running the risk of allowing industry to continue to call the shots.

Response

The CWA and the EPA's implementing regulations have safeguards in place to ensure that approved state programs meet minimum federal requirements. The EPA's decision on whether to approve the Texas NPDES oil & gas permit program is based on the program requirements set forth in Section 402 of the CWA, 33 U.S.C. § 1342, and 40 CFR Part 123. States may seek authority to administer the NPDES program by submitting a complete application to the EPA. Once the EPA determines that the application is complete and that the state has developed a program consistent with Section 402 of the CWA, 33 U.S.C. § 1342, and 40 CFR Part 123, the

EPA must approve the program and authorize the state to administer the NPDES program. To ensure the integrity of state programs, the EPA retains oversight authority over state NPDES programs, including under Section 402(d) of the CWA, 33 U.S.C. § 1342(d), and retains enforcement authority. The EPA regularly reviews state NPDES programs to ensure authorized states are consistent with the Clean Water Act and relevant regulations and functioning within their full authority. The EPA’s oversight activities include review of draft NPDES permits prepared by the State as well as assessments of states’ NPDES programs through the Permit Quality Review (PQR) and State Review Framework (SRF) processes. As stated in the TCEQ and EPA Memorandum of Agreement 2020 Addendum for the State’s authorization of the oil and gas NPDES permitting, Section IV.C.1 of the MOA Addendum lists the category of permits that are to be reviewed by the EPA in its oversight capacity. These permits are required to be submitted for review, to ensure permit conditions and requirements are consistent with the Clean Water Act. Section 11 of the MOA provides for modification of the MOA as necessary. See also Response to Comment EPA-R06-OW-2020-0608-DRAFT-0159. Additionally, to ensure the integrity of state programs, the EPA retains oversight authority over state NPDES programs, including under Section 402(d) of the CWA, 33 U.S.C. § 1342(d), and retains enforcement authority. The EPA provided an NPDES Program Overview including a description of the oversight work that it conducts with authorized states at the January 5, 2021 virtual Public Meeting and Hearing. Please refer to EPA’s Public Notice webpage to view the presentation, <https://www.epa.gov/tx/state-texas-submittal-epa-request-partial-npdes-program-authorization-oil-and-gas-discharges>. In addition, Section 402(c) of the CWA, 33 U.S.C. § 1342(c), and 40 CFR Part 123 give the EPA the authority to withdraw programs that fail to meet all of the NPDES program requirements. Third parties can also petition the EPA to seek program withdrawal.

Regardless whether permits are issued by EPA or by an authorized state, regulations at 40 CFR §122.4 (applicable to state programs) prohibit issuance of a permit when the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States. Lastly, if the need for compliance and enforcement activity becomes much greater after the State is authorized for the NPDES oil & gas permit program, TCEQ may need to change and adapt the TPDES program to address new and/or emerging programmatic issues and concerns.

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Document: EPA-R06-OW-2020-0608-DRAFT-0162
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Email: scott.moorhead@audubon.org

Organization: Audubon Texas

General Comment

Thank you for the opportunity to offer comment. Assumption of these significant responsibilities is an important challenge. TCEQ has an immense opportunity and responsibility before it. As a group, we are broadly concerned with and focused on how TCEQ will carefully manage the permitting and oversight of a nascent suite of technological challenges, particularly as Texas moves into new frontiers around oil-field water management, away from traditional deep-well injection, and into more aggressive water recycling and potential beneficial reuse, all of which could, if properly managed, relieve stresses on freshwater supplies and promote emerging markets. If mismanaged, however, the potential for dangerous and possibly significant environmental harm is great. This is therefore a development that must be managed very carefully, with appropriate stakeholder engagement, significant and broad applied professional expertise, and in a transparent, engaged fashion.

For today, we advance these modest considerations:

- 1) The state might consider a blue-ribbon panel to provide oversight and technical guidance as TCEQ assumes responsibility for partial NPDES program authorization for oil and gas discharges within the State. Such a panel could be comprised of relevant senior enforcement coordinator(s), environmental investigator(s), pertinent Railroad Commission staff, researcher(s)/academician(s) with a concentration on produced water chemistry and logistical and technical issues around disposal and oil-field water recycling, industry experts, representative(s) from local jurisdictions, landowner(s) and environmental organization(s), among others.
- 2) Clarify and better describe the conditions which would or would not trigger a SOAH or TCEQ hearing. As written, “notification, receipt of comments, or discussion with the various agencies over endangered species or historical preservation issues shall not automatically result in a TCEQ or SOAH hearing on a permit application or entitle the NMFS, USFWS, or SHPO or other persons to become a party to any hearing convened. Determinations related to granting hearing requests are solely within the jurisdiction of the commission.” (p. 12 item 6 of the MOA). These discussions and agency positions should be documented and TCEQ should be required to document why or why not agency positions and concerns are incorporated or rejected in a decision of record. Additionally, the circumstances under which species considerations are or are not applicable historically have been murky for TPDES issuances. It would be helpful to everyone to receive clarification around when species considerations are applicable, from which kinds of facilities, or otherwise how considerations do or do not apply.

- 3) Encourage information sharing between local authorities and communities, the Railroad Commission, and TCEQ to assist in identifying and monitoring problematic actors and ensuring long-term follow-up. TCEQ should foster that collaboration and emphasize expeditious “prioritizing and processing complaints which are outlined in the Enforcement Program Description.” Ensure that the channels to apprise TCEQ of potential violations continue to function and improve; we have seen clearly how, for example, a COVID-disrupted world can impair reporting systems, cause key employees to temporarily relocate and/or cause offices to adjust operating procedures, which may impair capacity to respond quickly. Please take advantage of web-based opportunities to facilitate and streamline reporting processes and opportunities.
- 4) Consider materials standards or specifications for equipment contemplated under these authorities to ensure that the level and type of infrastructure used adheres to a professional standard, such as ASCE, or other professional standard.

Response

Upon authorization of the TCEQ’s jurisdiction of the oil and gas activities, the EPA and the TCEQ will administer the program in accordance with the requirements of the Clean water act and the MOA submitted with the program application package. The MOA outlines the oversight roles and responsibilities (including but not limited to, the development and issuance of draft permits, compliance monitoring and reporting, assessment and evaluation of the program,). The duties also include any technical guidance training to as needed. Any other oversight activities in addition to those established on a federal level, is at the discretion of the TCEQ. This action includes the approval of those oversight regulatory requirements as outlined in the Memorandum of Agreement.

The specifics of Texas’ contested case hearing process are described in detail in the State’s program submission documents. See Chapter 2: Permitting Program Description and the Attorney General’s Statement of Legal Authority. The regulations for state program authorization do not have specific requirements for state administrative processes. States have great flexibility in creating their own administrative processes so long as the comply with the minimum requirements under 40 CFR 123. See also Response to EPA-R06-OW-2020-0608-DRAFT-0165.

Protection of threatened and/or endangered species and historic properties are addressed under the Endangered Species Act and National Historic Preservation Act, neither of which are addressed by the minimum requirements for state programs at CWA 402(b) or 40 CFR Part 123. Section 4(d) of the MOA addresses TCEQ’s coordination with state and federal agencies, e.g. State Historic Preservation Officer, Texas Parks and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service. See also Response to EPA-R06-OW-2020-0608-DRAFT-0165.

The MOA and Chapter 3: Enforcement Program Description of the State’s application address how the State intends to address compliance with the requirements of the Clean Water Act and the NPDES program. The MOA outlines how the TCEQ, in coordination with the EPA, will

identify non-compliance and assess penalties as needed. Additional activities and procedures related to identifying and addressing potential noncompliance outside of those established in the MOA, such as coordination with citizen, local government, and other state agencies, is at the discretion of the TCEQ.

Standards for infrastructure are not addressed under CWA 402(b) or 40 CFR part 123 and are therefore outside the scope of this action.

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Document: EPA-R06-OW-2020-0608-DRAFT-0163
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

See attached file(s)

Attachments

EPA TX Oil and Gas NPDES Delegation Notice_PXD Comments_011121_FINAL

PIONEER

NATURAL RESOURCES

January 11, 2021

United States Environmental Protection Agency Region 6
Attn: Ms. Kilty Baskin, NPDES/Wetland Review Section (R6 WD-PN)
1201 Elm Street, Suite 500
Dallas, TX 75270

Submitted electronically via www.regulations.gov

Re: *Public Notice of State of Texas' Submittal to EPA of Request for Partial National Pollutant Discharge Elimination System (NPDES) Program Authorization for Oil and Gas Discharges (EPA-R06-OW-2020-0608; FRL-10017-34-Region 6) 85 Fed. Reg. 76,073 (Nov. 27, 2020)*

Ms. Baskin,

Pioneer Natural Resources USA, Inc. ("Pioneer") appreciates the opportunity to submit the following comments to the United States Environmental Protection Agency's ("EPA" or "the Agency") Public Notice of the State of Texas' Submittal of Request for Partial NPDES Program Authorization for Oil and Gas Discharges, 85 Fed. Reg. 76,073 (Nov. 27, 2020).

Pioneer is a large independent oil and gas exploration and production company headquartered in Dallas, Texas. The Company employs approximately 1,850 people and produces approximately 430,000 barrels of oil equivalent per day. Pioneer is a Permian pure-play company operating exclusively in the Midland and Delaware Basins in West Texas. Pioneer's assets include the Sprayberry/ Wolfcamp Trend Areas where it is the largest operator.

As a long-standing member of the American Exploration and Production Council ("AXPC"), a national trade association representing 25 of the largest independent oil and natural gas exploration and production companies in the United States, Pioneer endorses AXPC's formally submitted comments on this matter. AXPC supports efforts at both the state and federal level to encourage an expanded range of responsible discharge options for treated oil and gas wastewater. Pioneer is actively engaged in extensive reuse and recycle efforts throughout the Company's operations and urges all policymakers to continuously weigh the practical costs and benefits of the various options related to oil and gas wastewater in order to encourage innovation in water treatment technologies and sustainable practices.

Pioneer agrees with AXPC that Texas' request for permitting authority would not change the substance of any applicable water quality standards or source-category specific effluent limits that are controlled by more stringent federal statutes. Additionally, AXPC notes that the Memorandum of Agreement between EPA and the Texas Commission on Environmental Quality ("TCEQ") that accompanies the State's application will ensure an appropriate delineation of federal and state authority. Further, unifying NPDES permitting responsibilities under TCEQ will help provide a

Response

Comments in support of program authorization and the permitting efficiency that would result are noted for the record.

Document: EPA-R06-OW-2020-0608-DRAFT-0164
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

If you allow Texas and the Texas Commission on Environmental Quality the primacy it's requesting over the National Pollution Elimination Discharge System, you'll be creating a toxic mess we in Texas may never be able to adequately clean up through later corrective actions.

TCEQ isn't the only problem but is a significant piece of other major problems that added together will allow the dumping of inadequately treated fracking waste fluids and materials into our lakes, rivers, streams, water basins, and wetlands etc where we'll never be able to extract all the chemicals and radioactive materials released into our environment.

The Railroad Commission of Texas is an important part of the problem responsible for such waste in the drilling and fracking fields before TCEQ takes over the responsibility for the toxic, radioactive stuff. Our oil & gas Governor is part of the problem in terms of appointing the TCEQ Commissioners. The Texas Legislature is responsible in terms of passing laws adequate to the proper protection of our health and environment and inadequately funding especially TCEQ to build adequate number of adequate air monitors that measure not only ground level ozone but also the full range of PM2.5 particulates, VOCs, and NOx etc. TCEQ's toxic air emission plans don't adequately protect our health, since they rely on citizen reports on emissions (such as PM2.5) that aren't always visible or detectable by odor and shelter-in-place orders that are neither practical or adequate.

EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request, and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Dr. Sarah Bishop Merrill, M.S., Ph.D.

Response

For response to comments regarding the Public Notice Period and Statutory Review decision deadline, see responses to Public Hearing Comments Nos. PH03 & PH04 above.

For response to comments regarding the adequacy of effluent limitation guidelines, see responses to Public Hearing Comments Nos. PH01 & PH02 above.

For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.

Document: EPA-R06-OW-2020-0608-DRAFT-0165
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

Email: alex.ortiz@sierraclub.org
Organization: Sierra Club

General Comment

Please see attached for comments from the Sierra Club and additional environmental organizations.

Attachments

Sierra Club Joint Comments on TCEQ Produced Water

Because regulations clearly provide for the 90-day period to have begun on November 6, 2020, EPA would not need TCEQ's approval to extend the 90-day period, as 40 C.F.R. § 123.21(d) is not triggered unless EPA wishes to extend the 90-day period beyond February 4, 2021.

Up until January 5, 2021, the public believed EPA to be scheduled to approve or disapprove of the program on the same day that comments are due, January 11, 2021. Now, EPA has, with TCEQ's agreement, postponed the decision date to January 19, 2021, with no extension of the comment period. Again, we believe that in the interests of proper notice and adequate time, both the comment period and the period for potential action by the EPA should be extended. The very purpose of having public comment periods is to allow for public input but also to require EPA to respond meaningfully to that public input.

Regulations at 40 C.F.R. § 123.61 clearly state, in relevant part, that EPA "shall approve or disapprove the program based on the requirements of this part and of CWA and taking into consideration all comments received." Without sufficient opportunity for meaningful public comment, and without adequate responses to comment, EPA would be acting contrary to regulation.

B. TCEQ Was Made Aware of the Timeline Issue.

TCEQ held a stakeholder's meeting on December 10, 2020, during which TCEQ did not commit to work with EPA under 40 C.F.R. § 123.21 to extend the statutory review period. TCEQ subsequently agreed to extend the timeline for an EPA decision at some point over or after the winter holidays until January 19th. This overlap with winter holidays amidst the COVID-19 pandemic implicates lower levels of public participation. Once again, this makes the public comment period less reflective of potential public concern. TCEQ, as the agency responsible for the health and welfare of the waters of our state, should be inclined to make sure that the public comment period is extended as well.

III. TCEQ is Ineligible for Additional Permit Program Authorization Under the Clean Water Act

Under 33 U.S.C. § 1342(b) the Administrator shall approve a state program unless he determines adequate authority does not exist "(1) To issue permits which— (A) apply, and insure compliance with, any applicable requirements of sections 1311,

Regarding comments related to extending the public comment period and statutory review period, see Responses to public hearing comments PH03, PH04, and PH05.

With regard to comments on timing of the notice of the Public Hearing, the notices in the Federal Register and on EPA's Public Notices web site that were available November 27, 2020, provided notice that a Public Hearing would be held no sooner than 30 days following the publication of the Federal Register notice and that details on the date, time and details would be provided at a later date. On December 4, 2020, which was 30 days prior to the Public Hearing, the Public Notices Web site was updated with the January 5, 2021, date and details for the Public Hearing. Newspaper notices followed on January 8, 9, and 10, 2021.

With regard to the comments regarding consultation requirements under the Endangered Species Act (ESA), EPA's approval of Texas' CWA NPDES permitting program for oil and gas discharges does not trigger Endangered Species Act (ESA) Section 7(a)(2) consultation. The ESA regulations make clear that Section 7 applies only to actions where the agency has discretionary involvement or control over the action. See 50 C.F.R. 402.03. In *Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644 (2007) ("NAHB"), the Supreme Court held that the transfer of NPDES permitting authority to a state is not discretionary and Section 7 does not apply. The Court found that the transfer of authority "is not discretionary, but rather is mandated once a State has met the criteria set forth in Section 402(b) of the CWA, it follows that a transfer of NPDES permitting authority does not trigger Section 7(a)(2)'s consultation and no-jeopardy requirements." 551 U.S. at 673. The Supreme Court further held that "[w]hile EPA may exercise some judgment in determining whether a State has demonstrated that it has the authority to carry out Section 402(b)'s enumerated statutory criteria, the statute clearly does not grant it the discretion to add an entirely separate prerequisite to the list. Nothing in the text of Section 402(b) authorizes the EPA to consider the protection of threatened or endangered species as an end in itself when evaluating a transfer application." *Id.* at 671.

With regard to the requirements for judicial review of State issued NPDES permits under 40 CFR § 123.30 and TCEQ's "affected person" standard, EPA is aware of the 2016 opinion in *Sierra Club v. Tex. Comm'n on Env'tl. Quality*, No. 03-14-00130-CV, 26 WL 1304928 (Tex. App.—Austin Mar. 31, 2016,) cited by the Commenters. As noted by the commenter, the Court in that case held that appellants "were required to demonstrate that they were affected persons pursuant to Section 5.115 and fully participate in a contested case hearing before seeking judicial review of the merits." *Sierra Club & Pub. Citizen v. Tex. Comm'n on Env'tl. Quality*, pg. 4. The Court's finding is contrary to EPA's understanding of the role of the contested case hearing in the TCEQ's appeals process when EPA's approved the Texas Pollutant Discharge Elimination System (TPDES) program in 1998. In its 1998 Federal Register notice of approval of the TPDES program, EPA noted that it read State law to provide two avenues of appeal of an NPDES permit: (1) the evidentiary hearing process, which is subject to appeal in accordance with Texas Administrative Procedure Act (APA), Texas Government Code Ann. § 2001.001 et. seq. and (2) a direct appeal to state court based on comments in accordance with TWC § 5.351. Whether a person meets the requirements for "affected person" only comes into play in a determination as to whether that person is entitled to participate in a contested case hearing. Because EPA understood at the time that the public could appeal based on comments alone, without participating in a contested case hearing, EPA did not believe it was necessary to

examine State requirements for affected person status with regard to the State's request for NPDES authority. See 63 FR 51163 at 51171. However, the decision in *Sierra Club & Pub. Citizen v. Tex. Comm'n on Env'tl. Quality* clarifies that obtaining affected person status and participating in a contested case hearing are required in order to exhaust administrative remedies and seek judicial review of the merits of a TCEQ-issued permit. TWC § 5.115(a) and 30 TAC § 55.29 do provide an exception to this rule for persons who file a motion for rehearing with the TCEQ Executive Director, but only as to changes from the draft permit to the final permit decision. Because it is now clear that participation in a contested case hearing is required in order to exhaust one's administrative remedies to seek judicial review of the merits of a TPDES permit, EPA believes the requirements to obtain affected person status in order to participate in such a hearing are relevant to EPA's review of the State's application for NPDES oil and gas authority. However, based on its review of the requirements for determining who is an affected person under State law, EPA continues to believe that the State's judicial review process is in compliance with 40 CFR § 123.30.

40 CFR § 123.30 provides as follows:

All States that administer or seek to administer a program under this part must provide an opportunity for judicial review in State Court of the final approval or denial of permits by the State that is sufficient to provide for, encourage, and assist public participation in the permitting process. A State will meet this standard if State law allows an opportunity for judicial review that is the same as that available to obtain judicial review in federal court of a federally-issued permit. (See § 509 of the Clean Water Act). A State will not meet this standard if it narrowly restricts the class of persons who may challenge the approval or denial of permits (for example, if only the permittee can obtain judicial review, if persons must demonstrate injury to a pecuniary interest in order to obtain judicial review, or if persons must have a property interest in close proximity to a discharge or surface waters in order to obtain judicial review).

While the regulation provides that a state will meet this standard if it allows an opportunity for judicial review that is the same as that available to obtain judicial review in federal court of a federally-issued permit, the regulation does not require a state to have a process for judicial review that is identical to the federal process. A state must only have a process sufficient to "provide for, encourage, and assist public participation in the permitting process." See *Akiak Native Cmty. v. U.S EPA*, 625 F.3d 1162 (9th Circuit 2010).

Under 40 CFR Part 123, EPA is required to independently review State authorities. However, the Attorney General's Statement is given great weight in interpreting the requirements of State law. See preamble to EPA's 1979 promulgation of state program requirements at 44 FR 32876. When EPA updated and consolidated state program requirements for the NPDES, RCRA, UIC and 404 programs and the process for approval, revision and withdrawal of these State programs in 1980, the agency reiterated that "[t]he Attorney General's statement is a central part of any State application for program approval. The Attorney General's statement is heavily relied upon by EPA in determine what authorities exist in a State, and thus whether these authorities can adequately operate in lieu of federal authorities." See 45 FR 33379.

Consequently, in its review of State criteria for determining affected person status and whether those criteria comport with the requirements of 40 CFR § 123.30, EPA looked to the Attorney General's Statement.

The Texas Attorney General's Statement states:

The criteria regarding determination of affected persons in the TCEQ's rules comport with the standing requirements in Article III of the United States Constitution for judicial review under the state statutes applicable to federal permit programs being implemented by the TCEQ, including the TPDES program. There is no material difference between the TCEQ's standards and the standards the federal courts apply when deciding judicial standing, which are based on the United States Supreme Court decision in *Lujan v. Defenders of Wildlife, et al.*, 504 U.S. 555 (1992). Statement of Legal Authority to Regulate Oil and Gas Discharges Under the Texas Pollutant Discharge Elimination System Program, pg 12.

The Attorney General's Statement further states that "Texas does not narrowly restrict the class of person who may challenge the approval or denial of permits to only permittees, persons who can demonstrate injury to a pecuniary interest, or persons who have property interest in close proximity to a discharge or surface." Statement of Legal Authority to Regulate Oil and Gas Discharges Under the Texas Pollutant Discharge Elimination System Program, pg 17.

EPA finds the Attorney General's evaluation sufficient to support EPA's conclusion that the State's program meets the requirements of 40 CFR § 123.30. EPA did not see anything in the comments that would change this conclusion. EPA disagrees with the Commenter's assertion that aesthetic, recreational or environmental interests are excluded from the scope of interests examined by the State in determining "affected person" status. One of the mandatory factors that must be considered in determining whether a person is an affected person under the Texas Administrative Code is "the likely impact of the regulated activity on the requester's use of the affected natural resource." 30 Tex. Admin. Code § 55.203(c)(5). As discussed in the Attorney General's Statement, "a recreational interest that can be distinguished from an interest common to the general public may establish that the hearing requester is an affected person consistent with Article III standing for judicial review." Statement of Legal Authority to Regulate Oil and Gas Discharges Under the Texas Pollutant Elimination System Program, pg. 19.

Regarding comments on the currency of the Texas Water Quality Standards and Total Maximum Daily Loads (TMDLs), updating of state water quality standards and TMDLs is an ongoing process for all states. EPA does not believe this is an indication of a state's ability to write and enforce permits that comply with the water-quality based requirements of the Clean Water Act and implementing regulations. The Attorney General's Statement of Legal Authority confirms the State's "authority to apply, though the terms and conditions of issued permits, applicable federal effluent standards and limitations and water quality standards promulgated or effective under the Clean Water Act including: effluent limitations under Clean Water Act §301; water quality related effluent limitations under Clean Water Act §302; national standards of performance under Clean Water Act §306; toxic and pretreatment standards under Clean Water Act §307; and ocean discharge criteria under Clean Water Act §302." See Attorney General's

Statement of Legal Authority, page 5. The Attorney General’s Statement also states that “Tex. Water Code §26.027(a) authorizes the TCEQ to deny any permit that would violate state or federal law, rule, or regulation, thus implicitly authorizing imposition of permit conditions necessary for compliance with both federal and state law. See also TX. Water Code §5.102. A TPDES permit that failed to include conditions stringent to implement applicable federal effluent limitations, national standards of performance, water quality standards, or toxic and pretreatment standards would violate federal law.” See Attorney General’s Statement of Legal Authority, page 6. Antidegradation provisions of the Texas Water Quality Standards are found at 30 TAC §307.5. See also Response to Public Hearing comment PH02.

Regarding comments on ELGs for Produced Water discharges, see Response to Public Hearing comment PH01.

Regarding comment on TCEQ resources, see Response EPA-R06-OW-2020-0608-DRAFT-0166.

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Document: EPA-R06-OW-2020-0608-DRAFT-0166
Comment on EPA-R06-OW-2020-0608-0001

Submitter Information

General Comment

I am writing to urge you to deny the Texas Commission on Environmental Quality's request for primacy over the National Pollution Elimination Discharge System for permitting, compliance monitoring and enforcement action for discharges of produced water, hydrostatic test water and gas plant effluent into Texas waterways. Current guidelines for these discharges have not been updated since the fracking boom began and granting this authority to Texas now would allow the discharge into surface water of wastewater containing chemicals and dissolved solids that are unknown to the public, regulators and treatment plant operators. EPA should not enable Texas to allow additional discharges until EPA has a better understanding of the chemical characteristics of produced water by requiring transparency and reporting of chemical use in the industry, and by working to improve analytical methods and toxicity measures of chemicals found in produced water.

I am also concerned about the short, 45-day public comment period for this request,

and about the EPA's apparent intention to reach a decision on January 11 - the last day to submit comments. This comment period would not allow EPA to process fully comments received, especially those submitted on or shortly before the January 11 deadline. I therefore urge you to deny Texas' request, and at a minimum extend the public comment period for an additional 45 days.

Thank you.

Response

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For response to comments on whether Texas agencies will write permits protective of citizens, see response to comment EPA-R06-OW-2020-0608-DRAFT-0013 above.